

REMARKS

Objection to the Specification and Rejection of Claims 24-46 Under 35 U.S.C. § 112, First Paragraph:

The Examiner has rejected Claims 24-46 under 35 U.S.C. § 112, first paragraph, on the basis of enablement. The Examiner asserts that the claims are drawn to a genus of granulocyte-macrophage colony-stimulating factor (GM-CSF) variants having a cysteine residue inserted before, after, or between certain amino acid residues, but contends that the state of the art has provided a good deal of evidence supporting a finding of uncertainty regarding the operability of any particular variant. The Examiner encourages Applicants to provide any evidence to demonstrate that the disclosure enables the claimed invention.

In response, Applicants initially note that the presently amended claims recite only the variants of Claims 24 and 25, in which a cysteine is inserted preceding the first amino acid or following the last amino acid of the GM-CSF protein. Claims 26-43 have been cancelled without prejudice to or disclaimer of the subject matter therein. Amendments to all pending claims are believed to be clerical in nature.

Enclosed herewith is a Declaration under 37 CFR 1.132 by Dr. George Cox, the inventor of the present application, which provides evidence by working examples that both of the claimed cysteine variants have significant biological activity that is similar to that of wild-type GM-CSF. Accordingly, the evidence provided in the Declaration demonstrate that the presently claimed cysteine variants are operable (have biological activity) as described in the specification. The specification has, therefore, provided a reasonable amount of guidance to enable one of skill in the art to make and use the present invention as claimed.

In view of the foregoing remarks, the Examiner is respectfully requested to withdraw the rejection of Claims 24-46 under 35 U.S.C. §112, first paragraph.

Applicants have attempted to respond to all of the Examiner's concerns as set forth in the August 3, 2006 Office Action, and it is submitted that the claims are in a condition for allowance. Any further questions or concerns regarding the claims should be directed to the below-named agent at (303) 863-9700.

Respectfully submitted,

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